

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

THE PENNSYLVANIA STATE
UNIVERSITY,

Plaintiff,

v.

VINTAGE BRAND, LLC,

Defendant.

No. 4:21-CV-01091

(Chief Judge Brann)

ORDER

AUGUST 8, 2023

Before the Court are several motions filed by the parties. They include Vintage Brands' motion for summary judgment (Doc. 110) and its motion to exclude Penn State's expert (Doc. 93); as well as Penn State's motion for partial summary judgment (Doc. 113) and its motion to exclude Vintage Brands' expert (Doc. 95).

AND NOW, this 8th day of August 2023, **IT IS HEREBY ORDERED** that:

1. A *Daubert* hearing and oral argument on motions for summary judgment are scheduled for **August 28, 2023, at 10:00 a.m. and August 29, 2023, at 10:00 a.m.**, in Courtroom One, Fourth Floor, United States Courthouse and Federal Building, 240 West Third Street, Williamsport, PA 17701.

- a. The *Daubert* hearing shall begin at 10:00 a.m. on August 28, 2023 and continue until the parties have presented all the evidence they wish to present. Each expert shall testify as to their own affirmative findings and their rebuttal findings in one direct examination, to be followed by cross examination.¹
 - b. The oral argument shall commence following the *Daubert* hearing.² Vintage Brands shall have one hour to both argue in support of its motion and against Penn State's motion. Then Penn State shall have one hour to argue in support of its motion and against Vintage Brand's motion. Following both parties' initial presentations, the Court will ask the parties its own questions about their arguments and permit limited rebuttal to arguments made in the parties' initial presentations.
2. Each party shall submit to the deputy clerk before or at the outset of the hearing and argument two (2) complete exhibit lists³ and two (2) complete sets of exhibits for the Court's use, in addition to the original copies that will be offered into evidence. The lists and exhibits shall be contained in 3-ring binders. (At the conclusion of the hearing, counsel

¹ It is anticipated that Mr. David Franklyn, Penn State's expert, will testify first. Vintage Brands may then present its two experts in whatever order it desires.

² Depending on the Court's schedule, counsel are welcome to request a break before transitioning from the *Daubert* hearing to the oral argument.

³ See attached form. You may contact Chambers to obtain a Word version of this form.

shall be responsible for assuming custody of all of their respective original exhibits.) The parties may also submit to the Court two (2) copies of a concise Table of Authorities listing the legal sources on which they plan to rely in addition to their exhibit binders detailed above.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
Chief United States District Judge

